

From: Matt Oquist
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am deeply disturbed by the weaknesses of the Proposed Final Judgement (PFJ) in the United States v. Microsoft. This PFJ fails to deal with many of Microsoft's exclusionary practices, and deals ineffectively with others.

For example, consider that Microsoft discriminates against ISVs who ship Open Source applications. The Microsoft Platform SDK EULA states:

"Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product..." (<http://www.kegel.com/remedy/remedy2.html#isv>, visited 1-23-02)

As a second example, Section III.A.2 allows Microsoft to retaliate against an OEM that includes a non-Microsoft Operating System but no Microsoft Operating System. This fails to address the entire problem.

I request that this PFJ be either scrapped or drastically re-written to address these issues, as well as many others.

Sincerely,
Matt Oquist

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